UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/688,046	10/12/2000	Minoru Yamamoto	1095.1138/JDH	5524

21171   7590   04/14/2004

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ART UNIT	PAPER NUMBER
2153	

DATE MAILED: 04/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

Office Action Summary

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _05 February 2004_.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _3 and 6_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _3 and 6_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on _12 October 2000_ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☒ All   b) ☐ Some *   c) ☐ None of:

      1. ☒ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

This office action is in response to Applicant's amendment and request for

reconsideration filed on February 5, 2004. Claims 1 and 4 have been canceled. Claims

3 and 6 have been amended and are presented for further examination.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

1.   Claims 3 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Karger et al. (U.S. Patent No. 6,430,618, hereinafter "Karger"), in view of Colyer (U.S.

Patent No. 6,023,722).

In considering claim 3, Karger discloses a server, comprising:

A result storing unit which stores at least one processing result of at least one

processing request (col. 2, lines 8-15, wherein a cache server stores a processing result

of client requests, and wherein the result storing "unit" is inherent in a cache server that

stores results);

A receiving unit which receives a request for processing from a first client (col. 2,

lines 8-15, again the "unit" is inherent in a server that receives requests);

A request storing unit which stores the at least one processing request received from the first client (col. 17, line 7, "when a server receives a request" indicates that the request is stored, at least temporarily, in a "unit" at the server);

A request reading unit which reads out one of the at least one processing request from the first client stored in the request storing unit (col. 17, lines 8-15, wherein reading from the storage is inherent when the request is processed).

A determination unit which determines whether or not another processing request which is identical to the request received from the first client, has already been processed (col. 2, lines 15-18, wherein the caching system determines if the same request for the same information has already been processed – i.e. if the caching server already has a copy of the cached document);

An execution unit which executes processing of the request received from the first client, and stores the result of the processing in said result storing unit when the determination unit determines that no other request which is identical to the request received from the client has been processed (col. 2, lines 15-24, i.e. if no other request has been received, the caching server processes the request by fetching the requested page from another server and storing it in the cache); and

A transmission unit which transmits to the first client the result of the processing executed by the execution unit when the determination unit determines that no other request which is identical to the request received from the first client has been processed (col. 2, lines 18-22, "when the cache server receives a copy of the document from another cache server or from the original site for the document, it can then answer

the client's request"), and transmits to the first client a processing result corresponding

to the request received from the first client when the determination unit determines that

another request which is identical to the request received from the first client, has

already been processed (col. 2, lines 22-24, "subsequent requests for that document

can be serviced by the cache because it has a copy of the document").

In brief, this portion of the claimed invention is anticipated by a simple cache

server, wherein the cache server determines whether a same request for the requested

document has been made previously (by checking of the document is in the cache), the

server then performs processing on the request if it is not an identical request to a prior

request (i.e. fetches the requested page), stores the processing result (i.e. stores the

fetched page), and transmits the processed result to the requesting client, and wherein

if the request is identical to a previous request (i.e. from the same client for the same

document), the processing result corresponding to the client's first request is retrieved

and transmitted to the client.

However, Karger does not disclose a prohibiting unit which prohibits an operation

of the request reading unit after one of the processing requests from the first client

stored in the storing unit is read out until a processing result corresponding to one of the

processing requests is transmitted to the first client. Nonetheless, such a feature is well

known in the art, as evidenced by Colyer. In a similar art, Colyer discloses a system for

allowing clients to request information from servers, and Colyer further discloses that "in

prior architectures, it was necessary to wait until a received request was served by a

server and a reply sent back through the opened connection before another connection

could be accepted to receive the next request from the Internet." Col. 7, lines 35-39.

Colyer thus discloses prohibiting reading of requests at a server until a particular

received request is processed and transmitted. Given this teaching, a person having

ordinary skill in the art would have readily recognized the desirability and advantages of

prohibiting operation of the request reading unit in the system taught by Karger, until the

previous request was processed and the result transmitted to the client, as taught by

Colyer, so that legacy systems, such as servers with smaller processing capacity (i.e.

those that cannot respond to multiple requests at once) can still be used to respond to

the client requests. Therefore, it would have been obvious to delay processing of

requests in the system taught by Karger, until the previous request has been processed

and transmitted to the client, as taught by Colyer.

In considering claim 6, claim 6 describes a product to implement the server

claimed in claim 3, and is thus rejected for the same reasons as claim 3.

Response to Arguments

In considering Applicant's request for reconsideration filed on February 5, 2004,

the following factual arguments are noted:

a.   Colyer does not disclose a prohibiting unit which prohibits an operation of the

request reading unit after one of the processing requests from the first client stored in

the storing unit is read out until a processing result corresponding to one of the

processing requests is transmitted to the first client, as required in claims 3 and 6.

b.   Karger does not disclose managing duplicate/identical requests for processing by

the same client/user, as required in claims 3 and 6.

In considering (a), Applicant contends that Colyer does not disclose a prohibiting

unit which prohibits an operation of the request reading unit after one of the processing

requests from the first client stored in the storing unit is read out until a processing result

corresponding to one of the processing requests is transmitted to the first client, as

required in claims 3 and 6. Examiner respectfully disagrees. Notably, Colyer discloses

that such prohibition is how prior, traditional client/server systems work. Colyer states,

"In prior architectures it was necessary to wait until a received request was served by a

server and a reply sent back through the opened connection before another connection

could be accepted to receive the next request from the Internet." Col. 7, lines 34-48.

Thus, this includes the claimed steps of prohibiting reading a request (i.e. operation of

the request reading unit) after a request from a first client is received, until a processing

result corresponding to the first client request is transmitted to the requesting first client.

Therefore, Colyer discloses the prohibition step, as claimed.

In considering (b), Applicant contends that Karger does not disclose managing

duplicate/identical requests for processing by the same client/user, as required in claims

3 and 6. Examiner respectfully disagrees. Primarily, the claims do not include the

limitation of managing identical requests for processing by the *same* client or user. The

claims only require that an "other processing request" is identical to the request

received from the first client. The "other processing request" in the claims is not

required to be a *same* request also from the first client. The following claim language

from claim 3 emphasizes this point:

> A determination unit which determines whether *another processing request* which is identical to *the processing request received from the first client* has already been processed;
>
> An execution unit which executes processing of the request received from the first client, and stores a result of the processing in said result storing unit when said determination unit determines that no *other processing request* which is identical to the *processing request received from the first client* has been processed;
>
> ... (emphasis added)

See lines 10-15 of presently amended claim 3.

Thus, Applicant's argument regarding managing requests from the same client is

moot because it is directed toward subject matter that is not claimed.

Conclusion

The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

The following references are of note:

a.   Himmel et al. (U.S. Patent No. 6,237,035) teaches a system and method for

controlling duplicate transaction submissions in a web server environment, wherein the

system uses a transaction id to determine if a request is identical to a previous request,

and either fulfills the request or returns an error based on the determination.

b.   Velarde (U.S. Patent No. 5,696,966) teaches a different system that determines

whether a request was previously made, and decides to process (or not to process) the

request based on that determination.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Bradley Edelman whose telephone number is (703) 306-

3041. The examiner can normally be reached on Monday to Friday from 8:30 AM to

5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Glen Burgess can be reached on (703) 305-4792. The fax phone numbers

for the organization where this application or proceeding is assigned are as follows:

For all correspondences: (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is (703) 305-

3900.

GLENTON B. BURGESS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

BE
April 9, 2004